

AMENDED IN SENATE JUNE 15, 2000
AMENDED IN SENATE APRIL 5, 2000
AMENDED IN SENATE AUGUST 17, 1999
AMENDED IN SENATE JULY 13, 1999
AMENDED IN SENATE JUNE 28, 1999
AMENDED IN ASSEMBLY JUNE 1, 1999
AMENDED IN ASSEMBLY APRIL 28, 1999
AMENDED IN ASSEMBLY APRIL 7, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1255

Introduced by Assembly Member Wright
(Principal coauthor: ~~Senator Solis~~)

February 26, 1999

~~An act to add and repeal Chapter 3 (commencing with Section 13720) of Title 5 of Part 4 of the Penal Code, relating to sentencing. An act to amend and repeal Section 11251.3 of the Welfare and Institutions Code, relating to social services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1255, as amended, R. Wright. ~~Sentencing: intensive probation supervision program~~ *CalWORKs: drug offenses.*

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under

which each county provides cash assistance and other benefits to qualified low-income families.

This bill would authorize a county to provide various services to promote self-sufficiency under the CalWORKs program to those individuals who are ineligible to receive aid payments under the program due to having been convicted of any offense classified as a felony and that has as an element the possession, use, or distribution of a controlled substance, as defined.

~~Existing law provides as a sentencing option for convicted felons, that the felon be placed on probation with court-ordered conditions of probation, if eligible, or sentenced to a term of imprisonment in the state prison.~~

~~This bill would set forth legislative findings and declarations of intent in regard to domestic violence and the need to reduce repeat domestic violence offenses the terms of probation, as specified.~~

~~This bill would provide for the awarding of grants for the establishment of intensive supervision programs, as specified, for which a county is required to establish a strategy committee or utilize its domestic violence council to be eligible for a grant.~~

~~The bill would express the intent of the Legislature to appropriate \$50,000,000 in the Budget Act of 2000 for purposes of the programs expanded or established under the provisions of this bill.~~

~~This bill would also require each participating county to provide specified data to the Board of Corrections and, commencing on June 2, 2002, would require the board to submit a report to the Legislature based on specified data.~~

~~The bill would provide that the above provisions shall remain in effect until January 1, 2006, and as of that date are repealed.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1.—This act shall be known and may be cited
2

1 *SECTION 1. Section 11251.3 of the Welfare and*
2 *Institutions Code, as added by Chapter 283 of the Statutes*
3 *of 1997, is repealed.*

4 ~~11251.3. (a) An individual shall be ineligible for aid~~
5 ~~under this chapter if the individual has been convicted in~~
6 ~~state or federal court after December 31, 1997, including~~
7 ~~any plea of guilty or nolo contendere, of any offense~~
8 ~~classified as a felony and that has as an element of the~~
9 ~~possession, use, or distribution of a controlled substance,~~
10 ~~defined in Section 102(6) of the Controlled Substance Act~~
11 ~~(21 U.S.C. Sec. 802(6)).~~

12 ~~(b) For a family receiving aid under this chapter that~~
13 ~~includes an individual who is ineligible pursuant to~~
14 ~~subdivision (a), a county shall issue vouchers or vendor~~
15 ~~payments for at least rent and utilities payments.~~

16 *SEC. 2. Section 11251.3 of the Welfare and Institutions*
17 *Code, as added by Chapter 284 of the Statutes of 1997, is*
18 *amended to read:*

19 11251.3. (a) An individual shall be ineligible for aid
20 under this chapter if the individual has been convicted in
21 state or federal court after December 31, 1997, including
22 any plea of guilty or nolo contendere, of a felony that has
23 as an element the possession, use, or distribution of a
24 controlled substance, defined in Section 102(6) of the
25 Controlled Substances Act (21 U.S.C. Sec. 802(6)) or
26 Division 10 (commencing with Section 11000) of the
27 Health and Safety Code.

28 (b) For a family receiving aid under this chapter that
29 includes an individual who is ineligible pursuant to
30 subdivision (a), a county shall issue vouchers or vendor
31 payments for at least rent and utilities payments.

32 (c) *A county may provide services that will assist*
33 *individuals to obtain or retain unsubsidized employment*
34 *pursuant to Sections 11325.7, 11325.8, and 15204.2 if those*
35 *individuals would otherwise be eligible for aid under this*
36 *chapter but have been convicted in state or federal court*
37 *after December 31, 1997, including any plea of guilty or*
38 *nolo contendere, of any offense classified as a felony and*
39 *that has as an element the possession or use of a controlled*

1 substance, defined in Section 102(6) of the Controlled
2 Substances Act (21 U.S.C. Sec. 802(6)).

3 (d) To be eligible for services pursuant to subdivision
4 (c), the individual shall satisfy all of the following
5 conditions:

6 (1) The individual shall have custody of dependent
7 children under the age of 18 years, and shall be living with
8 them.

9 (2) The individual shall either have a job or be
10 determined by the county as being employable if
11 supportive services are provided.

12 (3) The individual shall not be using a controlled
13 substance at the time of application.

14 (4) At least five years have elapsed since the individual
15 fulfilled the condition imposed by the court in the
16 disposition of the criminal case, including conditions
17 related to incarceration, parole, and probation.

18 (5) The individual, while incarcerated or subsequent
19 to incarceration, shall have successfully completed a
20 state-licensed, certified, or county-run drug treatment
21 program, or shall be currently participating in a
22 state-licensed, certified, or county-run drug treatment
23 program, or shall be participating in a court-mandated
24 drug treatment or diversion program, or the person shall
25 be willing to enroll and subsequently provide verification
26 of enrollment in a state-licensed, certified, or county-run
27 drug treatment program.

28 (e) Services pursuant to subdivision (c) shall be
29 provided for no more than 18 months.

30 (f) All participants who receive services pursuant to
31 this section shall submit to and pass monthly medical drug
32 screening tests, as specified in regulations adopted by the
33 department, that demonstrate the person is not using a
34 controlled substance as defined in subdivision (c), other
35 than as authorized by law.

36 SEC. 3. (a) The Director of Social Services shall
37 adopt regulations, as necessary, to implement the
38 provisions of this act regarding the drug screening
39 procedure, interpretation of drug screening results,
40 standards for reliability and accuracy of tests, and other

1 necessary matters, as contained in Sections 11251.3,
2 11251.4, and 18901.3 of the Welfare and Institutions Code.

3 (b) Notwithstanding the Administrative Procedure
4 Act (Chapter 3.5 (commencing with Section 11340) of
5 Part 1 of Division 3 of Title 2 of the Government Code),
6 through December 31, 2001, the State Department of
7 Social Services may implement drug screening provisions
8 for convicted drug felons as described in this act through
9 all county letters or similar instructions from the director.

10 (c) The department shall adopt regulations to
11 implement this act no later than January 1, 2002.
12 Emergency regulations to implement the applicable
13 provisions of this section may be adopted by the director
14 in accordance with the Administrative Procedure Act.
15 The initial adoption of emergency regulations and one
16 readoption of emergency regulations shall be deemed to
17 be an emergency and necessary for the immediate
18 preservation of the public peace, health, safety, or
19 general welfare. Initial emergency regulations shall be
20 exempt from review by the Office of Administrative Law.
21 The emergency regulations authorized by this section
22 shall be submitted to the Office of Administrative Law for
23 filing with the Secretary of State and shall remain in effect
24 for no more than 180 days.

25 ~~as the Domestic Violence Offender Intensive Probation~~
26 ~~Supervision Demonstration Program of 2000.~~

27 ~~SEC. 2. The Legislature hereby finds and declares all~~
28 ~~of the following:~~

29 ~~(a) Defendants convicted of offenses related to~~
30 ~~domestic violence such as spousal or partner assault,~~
31 ~~battery, or other associated crimes, are a growing threat~~
32 ~~to the safety and well-being of the citizens of California.~~

33 ~~(b) Most domestic violence offenders are placed~~
34 ~~under county probation department supervision and~~
35 ~~county probation departments lack sufficient resources~~
36 ~~to closely supervise and provide treatment programming~~
37 ~~to these offenders.~~

38 ~~(c) It is the intent of the Legislature that grants shall~~
39 ~~be provided on a competitive basis to counties that~~
40 ~~develop and implement comprehensive, cost-effective,~~

1 intensive probation supervision, and treatment
2 demonstration programs for offenders within the
3 community to reduce the incidences of repeat domestic
4 violence offenses consistent with the terms of probation
5 provided by Section 1203.097.

6 SEC. 3. Chapter 3 (commencing with Section 13720)
7 is added to Title 5 of Part 4 of the Penal Code, to read:

8
9 CHAPTER 3. DOMESTIC VIOLENCE OFFENDER INTENSIVE
10 PROBATION SUPERVISION DEMONSTRATION PROGRAM OF
11 2000
12

13 13720. This chapter shall be known and may be cited
14 as the Domestic Violence Offender Intensive Probation
15 Supervision Demonstration Program of 2000.

16 13721. (a) The Board of Corrections shall administer
17 and award domestic violence offender intensive
18 probation supervision demonstration grants on a
19 competitive basis to counties that expand or establish
20 intensive probation supervision and treatment programs
21 related to domestic violence offenders consistent with the
22 terms of probation provided by Section 1203.097.

23 (b) To be eligible for a grant, each county shall
24 establish a strategy committee or utilize its domestic
25 violence council that includes, at a minimum, the chief
26 probation officer, as chair, and to the extent practicable
27 one representative each from the prosecutor's office, the
28 public defender's office, the sheriff's department, other
29 local law enforcement agencies, the board of supervisors,
30 the judiciary, the department of social services, the
31 department of mental health, a community-based
32 organization drug and alcohol program, a local victim or
33 witness agency, two domestic violence advocates, and a
34 victims' representative.

35 (c) The committee shall develop a comprehensive
36 written local action plan to provide for the coordination
37 of community services to ensure intensive supervision
38 and treatment programs for domestic violence offenders.
39 The local action plan shall include, but not be limited to,
40 the following:

1 ~~(1) Identification of county needs to provide intensive~~
2 ~~probation supervision and treatment programs for~~
3 ~~domestic violence offenders.~~

4 ~~(2) Identification of program goals and clear,~~
5 ~~measurable performance objectives, including~~
6 ~~coordination of community resources.~~

7 ~~(3) Identification of the target group.~~

8 ~~(4) Specific selection criteria and process (and~~
9 ~~exclusionary criteria). The selection process shall include~~
10 ~~mental health or psychopathology assessment and~~
11 ~~substance abuse assessment.~~

12 ~~(5) Identification of intensive probation supervision~~
13 ~~and treatment methods that will be used to punish and~~
14 ~~hold offenders accountable for their behavior, control risk~~
15 ~~and structure offender activities to address public safety~~
16 ~~concerns, provide offenders an opportunity to solve~~
17 ~~problems that contributed to criminality, and develop~~
18 ~~skills to enable successful community adjustment. These~~
19 ~~supervision and treatment methods shall include, but are~~
20 ~~not limited to:~~

21 ~~(A) At least weekly face-to-face contact between a~~
22 ~~probation officer and the offender (with caseload ratios~~
23 ~~that do not exceed one officer to 30 offenders) and~~
24 ~~permissible random searches of offenders.~~

25 ~~(B) Regular chemical testing for use of alcohol or~~
26 ~~controlled substances, or both, where the use of these has~~
27 ~~been prohibited as a condition of program participation~~
28 ~~or by order of the court.~~

29 ~~(C) At least weekly contact between a probation~~
30 ~~officer and the offenders employer, educational~~
31 ~~institution, treatment program or counselor.~~

32 ~~(D) Victim assistance services including, but not~~
33 ~~limited to, victim notification of the terms and conditions~~
34 ~~of probation and offender program participation and to~~
35 ~~develop a victim safety plan to outreach to victims in~~
36 ~~partnership with a local domestic violence shelter.~~

37 ~~(E) Availability for offender referral to state-licensed~~
38 ~~inpatient and outpatient treatment programs for alcohol~~
39 ~~and drug abuse when appropriate.~~

~~(F) Offender participation in programs that involve job training or placement or education, or any combination thereof, for those who are medically capable and are not employed full time or enrolled full time in school or a vocational training program.~~

~~(6) Expected length of the intensive probation supervision program participation and discharge criteria and processes.~~

~~(7) Sanctions that will be used for technical program violations and new offenses, including mandatory return to court for any new offense involving an act of violence, verifiable threats of harm, weapons possession, or drug or alcohol use if prohibited by condition of program participation or order of the court.~~

~~(8) Identification of specific outcome and performance measures and a plan for at least semi-annual reporting that will allow the board to evaluate the effectiveness of the intensive supervision program.~~

~~(d) The board shall award grants for up to four years to counties to develop local action plans and implement demonstration programs. Funds shall be used to supplement, rather than supplant, funding for existing planning and programs. No grant shall be awarded unless the applicant makes available resources in an amount equal to at least 25 percent of the amount of the grant. In awarding grants, priority shall be given to those proposals that include funding that exceeds 25 percent of the amount of the grant. State funds regardless of source shall not be used as local match for the purposes of this grant.~~

~~(e) The board shall establish minimum standards, funding schedules, and procedures for awarding grants that shall take into consideration, but not be limited to, the following:~~

~~(1) Need and size of the eligible population.~~

~~(2) Cost-effectiveness.~~

~~(3) Demonstrated ability to administer the program, provide victims services, and develop effective responses to provide intensive supervision and treatment options.~~

~~(4) Demonstrated history of maximizing federal, state, local, and private funding sources.~~

~~(f) The board shall establish requirements for the evaluation of programs supported by this article and create an evaluation design to assess the effectiveness of the demonstration program that include, but are not limited to:~~

~~(1) The rate of successful completion of probation and batterer's or other treatment programs.~~

~~(2) The rate and type of victim related services that are provided.~~

~~(3) Recidivism measures, including the rate of domestic violence rearrests and convictions.~~

~~Participating counties shall provide the board with specific outcome and performance measures in a manner prescribed by the board.~~

~~(g) Commencing on June 30, 2002, and annually thereafter, the board shall submit a report to the Legislature based on the evaluation design, with a final report due on or before December 30, 2005, that provides the results of the demonstration program and identifies approaches worthy of replication or further dissemination.~~

~~(h) This chapter shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.~~

~~SEC. 4. It is the intent of the Legislature to appropriate fifty million dollars (\$50,000,000) for the purposes of this chapter in the Budget Act of 2000. Funding for the Domestic Violence Offender Intensive Probation Supervision Demonstration Program of 2000 shall be provided from the amount appropriated in Item 5430-101-0001 of the Budget Act of 2000. Up to 5 percent of the amount appropriated in Item 5430-101-0001 of the Budget Act of 2000 shall be transferred upon the approval of the Director of Finance, to Item 5430-001-0001 for expenditure as necessary for the Board of Corrections to administer this program, including technical assistance to~~

1 counties and the development of an evaluation
2 component.

O

